



Dan Booth Law

NEWS

The Weaponized Facebook Meme: A Lawsuit “Wrong On So Many Levels”

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Dad jokes. Groaners. Puns. They have a bad reputation, but they're here to stay. One practitioner of the art form, Matthew Bradley, got off a good one in December 2017. He took a picture of five levels (the carpentry tools), with the word “Wrong” written on each of them, and posted it on his Facebook page, along with the text, “This is wrong on so many levels.” Get it? The Internet did. It became a widely shared meme, on and off Facebook. Within a week he added a comment on Facebook: “Wow! I am stunned! Over 10K shares.” But over time, his excitement about his joke’s viral success took on a different form. In August 2019 he filed suit against Analytical Grammar, Inc., which designs language arts curricula and English instructional materials, claiming that it infringed his copyright by posting the meme photograph on its Facebook page back in December 2017.

On September 13, 2019, Analytical filed its answer to the complaint, listing its affirmative defenses and asserting counterclaims. Analytical contends that its use of the meme was allowed by Bradley’s license under Facebook’s terms of use; or by his acquiescing in the viral distribution; or by the doctrines of fair use or copyright misuse. As Analytical pleaded:

Bradley’s lawsuit is wrong on so many levels. He levels claims against Analytical for sharing his joke. He does his level best to take Analytical down a level. But his claims are not on the level. Analytical raises these counterclaims to level the field.

Dan Booth Law is pleased to be representing Analytical Grammar, Inc. as its lead counsel in this ongoing matter. The complaint and exhibits, and Analytical’s answer, are attached below.

[Bradley Complaint](#) [Exhibit A](#) [Exhibit B](#) [Analytical’s Answer and Counterclaims](#)



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